



General Assembly

February Session, 2008

Amendment

LCO No. 5976

SB0060505976SD0

Offered by:

SEN. MCDONALD, 27th Dist.

REP. LAWLOR, 99th Dist.

SEN. HANDLEY, 4th Dist.

REP. FOX, 146th Dist.

To: Subst. Senate Bill No. 605

File No. 538

Cal. No. 350

"AN ACT CONCERNING JUDICIAL BRANCH OPENNESS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 51-14 of the 2008 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective July 1, 2008*):

6 (a) The judges of the Supreme Court, the judges of the Appellate
7 Court, and the judges of the Superior Court shall adopt and
8 promulgate and may from time to time modify or repeal rules and
9 forms regulating pleading, practice and procedure in judicial
10 proceedings in courts in which they have the constitutional authority
11 to make rules, for the purpose of simplifying proceedings in the courts
12 and of promoting the speedy and efficient determination of litigation
13 upon its merits. The rules of the Appellate Court shall be as consistent

14 as feasible with the rules of the Supreme Court to promote uniformity
15 in the procedure for the taking of appeals and may dispense, so far as
16 justice to the parties will permit while affording a fair review, with the
17 necessity of printing of records and briefs. Such rules shall not abridge,
18 enlarge or modify any substantive right or the jurisdiction of any of the
19 courts. Subject to the provisions of subsection (b) of this section, such
20 rules shall become effective on such date as the judges specify but not
21 in any event until sixty days after such promulgation.

22 (b) [All statutes relating to pleading, practice and procedure in
23 existence on July 1, 1957, shall be deemed to be rules of court and shall
24 remain in effect as such only until modified, superseded or suspended
25 by rules adopted and promulgated by the judges of the Supreme Court
26 or the Superior Court pursuant to the provisions of this section.] The
27 Chief Justice shall report any [such] rules adopted and promulgated,
28 or modified, superseded or suspended, by the judges of the Supreme
29 Court, the judges of the Appellate Court or the judges of the Superior
30 Court pursuant to the provisions of this section to the General
31 Assembly for study at the beginning of each regular session. Such rules
32 shall be referred by the speaker of the House or by the president of the
33 Senate to the judiciary committee for its consideration and such
34 committee shall schedule hearings thereon. Any rule or any part
35 thereof disapproved by the General Assembly by resolution shall be
36 void and of no effect and a copy of such resolution shall thereafter be
37 published once in the Connecticut Law Journal.

38 (c) The judges or a committee of their number shall hold public
39 hearings, of which reasonable notice shall be given in the Connecticut
40 Law Journal and otherwise as they deem proper, upon any proposed
41 new rule or any change in an existing rule that is to come before said
42 judges for action, and each such proposed new rule or change in an
43 existing rule shall be published in the Connecticut Law Journal as a
44 part of such notice. A public hearing shall be held at least once a year,
45 of which reasonable notice shall likewise be given, at which any
46 member of the bar or layman may bring to the attention of the judges
47 any new rule or change in an existing rule that he deems desirable.

48 (d) Upon the taking effect of such rules adopted and promulgated
49 by the judges of the Supreme Court pursuant to the provisions of this
50 section, all provisions of rules theretofore promulgated by the judges
51 of the Superior Court shall be deemed to be repealed.

52 Sec. 2. Section 51-44a of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective October 1, 2008*):

54 (a) There is established a Judicial Selection Commission comprised
55 of twelve members. Six of the members shall be attorneys-at-law and
56 six of the members shall not be attorneys-at-law. Not more than six of
57 the members shall belong to the same political party. None of the
58 members shall be an elected or appointed official of the state or hold
59 state-wide office in a political party.

60 (b) The members of the commission shall be appointed as follows:
61 The Governor shall appoint six members, one from each congressional
62 district and one at-large member, three of whom shall be attorneys-at-
63 law and three of whom shall not be attorneys-at-law; the president pro
64 tempore of the Senate shall appoint one member who shall be an
65 attorney-at-law; the speaker of the House of Representatives shall
66 appoint one member who shall not be an attorney-at-law; the majority
67 leader of the Senate shall appoint one member who shall not be an
68 attorney-at-law; the majority leader of the House of Representatives
69 shall appoint one member who shall be an attorney-at-law; the
70 minority leader of the Senate shall appoint one member who shall not
71 be an attorney-at-law; and the minority leader of the House of
72 Representatives shall appoint one member who shall be an attorney-at-
73 law.

74 (c) The members of the commission shall elect a chairperson from
75 among the members appointed by the Governor.

76 (d) (1) The members of the commission shall serve for terms of three
77 years.

78 (2) Members appointed on or after June 26, 2003, shall serve for

79 terms of three years and, notwithstanding the provisions of section 4-1,
80 until their successors are appointed and have qualified or ninety days
81 after the completion of their terms, whichever is earlier.

82 (3) Members serving on June 26, 2003, shall continue to serve as
83 members until the end of their terms and, notwithstanding the
84 provisions of section 4-1, until their successors are appointed and have
85 qualified or ninety days after the completion of their terms, whichever
86 is earlier, except that members serving on June 26, 2003, who have
87 completed their terms and are serving until their successors are
88 appointed and have qualified shall, notwithstanding the provisions of
89 section 4-1, continue to serve until their successors are appointed and
90 have qualified, but not later than January 1, 2004.

91 (4) Any vacancy in the membership of the commission shall be filled
92 for the unexpired portion of the term by the appointing authority. The
93 members of the commission shall receive no compensation for their
94 services but shall be reimbursed for any necessary expenses incurred
95 in the performance of their duties.

96 (5) No member of the commission may serve consecutive terms,
97 except that if, on or after June 26, 2003, a person is appointed a
98 member of the commission to fill a vacancy and complete an
99 unexpired term, such person may serve an additional term. If a
100 commission member is an attorney, no member of the commission
101 member's firm may serve a term consecutive to such commission
102 member.

103 (e) The commission shall evaluate incumbent judges who seek
104 reappointment to the same court, and incumbent state referees who
105 seek reappointment, and shall forward to the Governor for
106 consideration the names of incumbent judges and state referees who
107 are recommended for reappointment as provided in this subsection.
108 The commission shall adopt regulations, in accordance with the
109 provisions of chapter 54, concerning criteria by which to evaluate
110 incumbent judges who seek reappointment to the same court [;

111 provided pending adoption of such regulations, the commission shall
112 use criteria established prior to June 22, 1989, for the evaluation of such
113 judges] and incumbent state referees who seek reappointment. In
114 evaluating the reappointment of an incumbent judge or state referee,
115 the commission shall consider the legal ability, competence, integrity,
116 character and temperament of such judge or state referee and any
117 other relevant information concerning such judge or state referee.
118 There shall be a presumption that each incumbent judge who seeks
119 reappointment to the same court or incumbent state referee who seeks
120 reappointment qualifies for retention in judicial office. The burden of
121 rebutting such presumption shall be on the commission. The
122 commission shall investigate and interview each incumbent judge and
123 state referee who seeks reappointment and, prior to the expiration of a
124 term of office of such judge or state referee, shall recommend such
125 incumbent judge or state referee for nomination for reappointment by
126 the Governor [to the same court] unless, as provided in this subsection,
127 recommendation of such judge or state referee is denied. If a
128 preliminary examination indicates further inquiry is necessary before a
129 recommendation of reappointment may be made, the commission shall
130 hold a hearing concerning the reappointment of such judge or state
131 referee. The commission shall send notice to the judge or state referee
132 by certified or registered mail, return receipt requested, not less than
133 one hundred eighty days prior to the convening of such legislative
134 session which is to consider the reappointment of the incumbent judge
135 or state referee, (A) that a hearing by the commission on such
136 reappointment shall be held and of the time, date and place of such
137 hearing, which shall be not less than thirty days [nor] or more than
138 forty-five days after the date of such notice, and (B) of specific claims
139 made against the judge or state referee. The commission shall make a
140 record of all hearings conducted pursuant to this subsection. The
141 hearing may be open to the public at the request of the judge or state
142 referee. For the purposes of conducting a hearing under this
143 subsection, not less than ten members of the commission shall be
144 present and voting. A judge or state referee appearing before such a
145 hearing shall be entitled to counsel, to present evidence and to cross-

146 examine witnesses who appear voluntarily. No judge or state referee
147 shall be required to sign or execute any release in order to proceed
148 with the hearing. The commission shall, not later than twenty days
149 after the close of such hearing, render its decision whether it shall
150 recommend such incumbent judge or state referee for nomination for
151 reappointment by the Governor. Any affirmative vote of a majority
152 plus one of the members present and voting shall be required to deny
153 recommendation to the Governor for nomination of an incumbent
154 judge for reappointment to the same court or for nomination of an
155 incumbent state referee for reappointment. A judge or state referee
156 who has not received approval by the commission may, within ten
157 days after receipt of the notice of decision, which shall include a record
158 of the numerical vote, request a rehearing on the grounds that the
159 conclusions of the commission are contrary to the evidence presented
160 at the hearing or the commission failed to comply with the procedural
161 or substantive requirements of this section. The decision of the
162 commission shall be final. There shall be no right of appeal by any
163 judge or state referee appearing before the commission, at law or in
164 equity, or any resort to any court following the decision of the
165 commission.

166 (f) Except as provided in subsection (e) of this section, the
167 commission shall seek qualified candidates for consideration by the
168 Governor for nomination as judges for the Superior Court, Appellate
169 Court and Supreme Court. The commission shall adopt regulations, in
170 accordance with the provisions of chapter 54, concerning criteria by
171 which to evaluate the qualifications of candidates, including
172 incumbent judges who seek appointment to a different court. The
173 commission shall investigate and interview the candidates, including
174 incumbent judges seeking appointment to a different court. A list of
175 such qualified candidates shall be compiled by the commission. Such
176 list shall be confidential and not open to the public or subject to
177 disclosure, except that the names of qualified candidates for the
178 position of associate judge or Chief Justice of the Supreme Court shall
179 be available to the public.

180 (g) In connection with any inquiry concerning the reappointment of
181 an incumbent judge or state referee, the commission shall have the
182 power to issue subpoenas requiring the attendance of witnesses and
183 the production of any books or papers which in the judgment of the
184 commission are relevant to the inquiry. The commission may, upon
185 request of the judge or state referee whose reappointment is at issue,
186 issue a subpoena on behalf of such judge or state referee. If any person
187 disobeys such process or, having appeared in obedience thereto
188 refuses to answer any pertinent question put to [him] such person by
189 the commission [,] or to produce any books and papers pursuant
190 thereto, the commission, on its own behalf or on behalf of the judge or
191 state referee, may apply to the superior court for the judicial district of
192 Hartford setting forth such disobedience to process or refusal to
193 answer, and [said] the court may cite such person to appear before
194 [said] the court to answer such question or to produce such books and
195 papers and, upon [his] such person's refusal [so] to do so, shall commit
196 [him] such person to a community correctional center, there to remain
197 until [he] such person so testifies.

198 (h) (1) Judges of all courts, except those courts to which judges are
199 elected, shall be nominated by the Governor exclusively from the list of
200 candidates or incumbent judges submitted by the Judicial Selection
201 Commission. Any candidate or incumbent judge who is nominated
202 from such list by the Governor to be Chief Justice of the Supreme
203 Court, and who is appointed Chief Justice by the General Assembly,
204 shall serve a term of eight years from the date of appointment. The
205 Governor shall nominate a candidate for a vacancy in a judicial
206 position within forty-five days of the date the Governor receives the
207 recommendations of the commission. When considering the
208 nomination of an incumbent judge for reappointment to the same
209 court, the Governor may nominate the incumbent judge if the
210 commission did not deny recommendation for reappointment.
211 Whenever an incumbent judge is denied recommendation for
212 reappointment to the same court by the commission or is
213 recommended by the commission but not nominated by the Governor

214 for reappointment to the same court, or whenever a vacancy in a
215 judicial position occurs or is anticipated, the Governor shall choose a
216 nominee from the list of candidates compiled pursuant to subsection
217 (f) of this section.

218 (2) Notwithstanding the provisions of subdivision (1) of this
219 subsection and subsection (f) of this section, the Governor may
220 nominate an associate judge of the Supreme Court to be Chief Justice
221 of the Supreme Court without such judge being investigated and
222 interviewed by the commission and being on the list of qualified
223 candidates compiled and submitted to the Governor by the
224 commission. An associate judge of the Supreme Court who has been
225 nominated by the Governor to be Chief Justice of the Supreme Court in
226 accordance with this subdivision, and who is appointed Chief Justice
227 by the General Assembly, shall serve an initial term as Chief Justice
228 equal to the remainder of such judge's term as an associate judge of the
229 Supreme Court.

230 (3) When considering the nomination of an incumbent state referee
231 for reappointment, the Governor may nominate the incumbent state
232 referee if the commission did not deny recommendation for
233 reappointment.

234 (i) A majority of the membership of the commission shall constitute
235 a quorum. The affirmative vote of at least a majority of the members of
236 the commission present and voting shall be required for any action by
237 the commission, except (1) an affirmative vote of at least a majority
238 plus one of the members present and voting shall be required for a
239 new nominee to be recommended to the Governor for nomination as a
240 judge or for an incumbent judge to be recommended to the Governor
241 for nomination as a judge to a different court, and (2) an affirmative
242 vote of a majority plus one of the members present and voting shall be
243 required to deny recommendation to the Governor for nomination of
244 an incumbent judge for reappointment to the same court or for
245 nomination of an incumbent state referee for reappointment. No vote
246 of the commission on a new nominee shall be by secret ballot. The vote

247 of the commission on an incumbent judge or state referee may be by
248 secret ballot. The total affirmative and negative votes of the
249 membership of the commission to recommend an incumbent judge for
250 reappointment to the same court or appointment to a different court or
251 to recommend an incumbent state referee for reappointment shall be
252 available to the public.

253 (j) Except as provided in subsections (e), ~~(f)~~, (i) and (m) of this
254 section, the investigations, deliberations, files and records of the
255 commission shall be confidential and shall not be open to the public or
256 subject to disclosure, except that the criteria by which candidates, ~~[or]~~
257 incumbent judges who seek reappointment to the same court or
258 appointment to a different court or incumbent state referees who seek
259 reappointment are evaluated and the procedural rules adopted by the
260 commission shall be public.

261 (k) The commission may employ such staff as is necessary for the
262 performance of its functions and duties.

263 (l) No member of the commission who is an attorney-at-law shall be
264 considered for recommendation to the Governor for nomination as a
265 judge during ~~[his]~~ such member's tenure on the commission or for a
266 period of two years following the termination of ~~[his]~~ such member's
267 tenure on the commission.

268 (m) In January of each year, the chairperson of the commission shall
269 report to the joint standing committee ~~[on]~~ of the General Assembly
270 having cognizance of matters relating to the judiciary the following
271 information: (1) The number of candidates interviewed for
272 appointment as new nominees, the number of incumbent judges
273 interviewed for reappointment to the same court, ~~[and]~~ the number of
274 incumbent judges interviewed for appointment to a different court and
275 the number of incumbent state referees interviewed for reappointment,
276 (2) the number of candidates who were recommended and denied
277 recommendation to the Governor as new nominees, the number of
278 incumbent judges recommended and denied recommendation for

279 [appointment] reappointment to the same court, [and] the number of
280 incumbent judges recommended and denied recommendation for
281 appointment to a different court and the number of incumbent state
282 referees recommended and denied recommendation for
283 reappointment, and (3) the statistics regarding the race, gender,
284 national origin, religion and years of experience as members of the bar
285 of all such candidates.

286 (n) The commission [shall have the power to] may enter into such
287 contractual agreements as may be necessary for the discharge of its
288 duties concerning the investigation of candidates seeking appointment
289 to a judicial position, [and] incumbent judges seeking reappointment
290 to the same court or appointment to a different court and incumbent
291 state referees seeking reappointment, within the limits of appropriated
292 funds and in accordance with established procedures.

293 Sec. 3. Subsection (a) of section 51-50l of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective*
295 *October 1, 2008*):

296 (a) Each senior judge who ceases to hold office as a senior judge
297 because of having reached the age of seventy years and who is an
298 elector and a resident of this state shall be a state referee for the
299 remainder of [his] such senior judge's term of office as a judge and
300 shall be eligible for appointment as a state referee during the
301 remainder of [his] such senior judge's life in the manner prescribed by
302 law for the appointment of a judge of the court of which [he] such
303 senior judge is a member, subject to the provisions of section 51-44a, as
304 amended by this act.

305 Sec. 4. Subsection (a) of section 52-434 of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective*
307 *October 1, 2008*):

308 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
309 Court, each judge of the Superior Court and each judge of the Court of
310 Common Pleas who ceases or has ceased to hold office because of

311 retirement other than under the provisions of section 51-49 and who is
312 an elector and a resident of this state shall be a state referee for the
313 remainder of such judge's term of office as a judge and shall be eligible
314 for appointment as a state referee during the remainder of such judge's
315 life in the manner prescribed by law for the appointment of a judge of
316 the court of which such judge is a member, subject to the provisions of
317 section 51-44a, as amended by this act. The Superior Court may refer
318 any civil [.] nonjury case or with the written consent of the parties or
319 their attorneys, any civil jury case pending before the court in which
320 the issues have been closed to a judge trial referee who shall have and
321 exercise the powers of the Superior Court in respect to trial, judgment
322 and appeal in the case, and any proceeding resulting from a demand
323 for a trial de novo pursuant to subsection (e) of section 52-549z may be
324 referred without the consent of the parties to a judge trial referee who
325 has been specifically designated to hear such proceedings pursuant to
326 subsection (b) of this section. The Superior Court may, with the
327 consent of the parties or their attorneys, refer any criminal case to a
328 judge trial referee who shall have and exercise the powers of the
329 Superior Court in respect to trial, judgment, sentencing and appeal in
330 the case, except that the Superior Court may, without the consent of
331 the parties or their attorneys, (A) refer any criminal case, other than a
332 criminal jury trial, to a judge trial referee assigned to a geographical
333 area criminal court session, and (B) refer any criminal case, other than
334 a class A or B felony or capital felony, to a judge trial referee to preside
335 over the jury selection process and any voir dire examination
336 conducted in such case, unless good cause is shown not to refer.

337 (2) Each judge of the Circuit Court who has ceased to hold office
338 because of retirement other than under the provisions of section 51-49
339 and who is an elector and a resident of this state shall be a state referee
340 for the remainder of such judge's term of office as a judge and shall be
341 eligible for appointment as a state referee during the remainder of such
342 judge's life in the manner prescribed by law for the appointment of a
343 judge of the court of which such judge is a member, subject to the
344 provisions of section 51-44a, as amended by this act, to whom the

345 Superior Court may, with the written consent of the parties or their
346 attorneys, refer any case pending in court in which the issues have
347 been closed and which the judges of the Superior Court may establish
348 by rule to be the kind of case which may be heard by such referees
349 who have been appointed judge trial referees pursuant to subsection
350 (b) of this section. The judge trial referee shall hear any such case so
351 referred and report the facts to the court by which the case was
352 referred.

353 (3) Each judge of the Juvenile Court who ceases or has ceased to
354 hold office because of retirement other than under the provisions of
355 section 51-49 and who is an elector and a resident of this state shall be
356 a state referee for the remainder of such judge's term of office as a
357 judge and shall be eligible for appointment as a state referee during the
358 remainder of such judge's life in the manner prescribed by law for the
359 appointment of a judge of the court of which such judge is a member,
360 subject to the provisions of section 51-44a, as amended by this act, to
361 whom a judge before whom any juvenile matter is pending may, with
362 the written consent of the child concerned, either of such child's
363 parents, or such child's guardian or attorney, refer any juvenile matter
364 pending, provided such referee has been appointed a judge trial
365 referee specifically designated to hear juvenile cases pursuant to
366 subsection (b) of this section. The judge trial referee shall hear any
367 matter so referred and report the facts to the court for the district from
368 which the matter was referred.

369 (4) In addition to the judge trial referees who are appointed
370 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
371 Justice may appoint, from qualified members of the bar of the state,
372 who are electors and residents of this state, as many state referees as
373 the Chief Justice may from time to time deem advisable or necessary.
374 No appointment of a member of the bar may be for a term of more
375 than three years. Notwithstanding the provisions of subsection (f) of
376 this section, state referees appointed by the Chief Justice from
377 members of the bar shall receive such reasonable compensation and
378 expenses as may be determined by the Chief Justice. The Superior

379 Court may appoint a state referee pursuant to this subdivision to take
380 such evidence as it directs in any civil [.] nonjury case including, but
381 not limited to, appeals under section 8-8 of the 2008 supplement to the
382 general statutes. Any such state referee shall report on such evidence
383 to the court with any findings of fact. The report shall constitute a part
384 of the proceeding upon which the determination of the court shall be
385 made.

386 Sec. 5. Section 51-51k of the 2008 supplement to the general statutes
387 is repealed and the following is substituted in lieu thereof (*Effective*
388 *October 1, 2008*):

389 (a) There is hereby established a Judicial Review Council to be
390 composed of the following members: (1) Three judges of the Superior
391 Court, who are not also judges of the Supreme Court, who shall be
392 appointed by the Governor, from a list of six judges selected by the
393 members of the Superior Court, with the approval of the General
394 Assembly, (2) three attorneys-at-law admitted to practice in this state,
395 who shall be appointed by the Governor with the approval of the
396 General Assembly, (3) six persons who are not judges or attorneys-at-
397 law, who shall be appointed by the Governor with the approval of the
398 General Assembly, and (4) thirteen alternate members who shall be
399 appointed by the Governor with the approval of the General
400 Assembly, as follows: (A) Two judges of the Superior Court who are
401 not also judges of the Supreme Court, from a list of four judges
402 selected by the members of the Superior Court, (B) two attorneys-at-
403 law admitted to practice in this state, (C) three persons who are not
404 judges or attorneys-at-law, (D) three compensation commissioners,
405 and (E) three family support magistrates.

406 (b) An alternate member who is a judge, attorney-at-law or person
407 who is not a judge or attorney-at-law shall serve at probable cause
408 hearings and public hearings in lieu of a member who is a judge,
409 attorney-at-law or person who is not a judge or attorney-at-law,
410 respectively, when such member is absent or disqualified, as
411 designated by the executive director of the council. An alternate

412 member who is a compensation commissioner shall serve as a member
413 of the council in lieu of one of the members who is a judge of the
414 Superior Court, as designated by the executive director, when the
415 subject of a complaint or investigation is a compensation
416 commissioner. An alternate member who is a family support
417 magistrate shall serve as a member of the council in lieu of one of the
418 members who is a judge of the Superior Court, as designated by the
419 executive director, when the subject of a complaint or investigation is a
420 family support magistrate. An alternate member shall have the same
421 power as the member he or she is temporarily replacing during the
422 absence or disqualification of the member.

423 (c) On and after December 1, 1992, members shall be appointed in
424 accordance with subsection (a) of this section as follows: One judge
425 shall be appointed for a term of two years, one judge shall be
426 appointed for a term of three years and one judge shall be appointed
427 for a term of four years; one attorney shall be appointed for a term of
428 two years, one attorney shall be appointed for a term of three years
429 and one attorney shall be appointed for a term of four years; two lay
430 members shall be appointed for terms of two years, two lay members
431 shall be appointed for terms of three years, and two lay members shall
432 be appointed for terms of four years. Thereafter, members shall serve
433 for terms of four years. Members may continue in office until a
434 successor is appointed and qualified. No member appointed on or
435 after December 1, 1992, may serve consecutive terms, and if the
436 member is an attorney, no member of his or her firm may serve a term
437 consecutive to such member, provided no member may serve for more
438 than two terms. Vacancies on the council shall be filled for the
439 unexpired portion of any term in the same manner as the original
440 appointment. Any member who is a judge, family support magistrate
441 or compensation commissioner and retires from full-time active service
442 as a judge, family support magistrate or compensation commissioner
443 shall automatically cease to be a member of the council, and a vacancy
444 shall be deemed to occur. Alternate members shall be appointed for
445 terms of three years and shall not serve consecutive terms as alternate

446 members.

447 (d) No member of the council, except a judge, family support
448 magistrate or compensation commissioner, may hold any elected or
449 appointed position with compensation within the state or United
450 States, or be a selectman or chief executive officer of any municipality,
451 or a full or part-time employee of the Judicial Department or Workers'
452 Compensation Commission, or a member of a national or state central
453 committee, or a chairperson of any political party.

454 (e) (1) The Judicial Review Council shall employ an executive
455 director and such other staff as is necessary for the performance of its
456 functions and duties.

457 (2) The executive director may investigate any complaint filed
458 pursuant to section 51-51l, as amended by this act, and present
459 evidence obtained pursuant to any such investigation to the council.

460 (f) The Judicial Review Council shall develop a concise brochure
461 written in plain language to provide the public with information
462 concerning the purpose, authority, jurisdiction and process of the
463 Judicial Review Council. The council shall distribute the brochure to all
464 court administrative offices and to any person who files a complaint
465 pursuant to section 51-51l, as amended by this act.

466 (g) The council shall give notice of the time and place of its
467 meetings, and make the agendas for such meetings available to the
468 public, in accordance with the provisions of chapter 14, except that an
469 agenda made available to the public shall not contain any personally
470 identifiable information that might identify the respondent unless the
471 meeting takes place after the council has found that probable cause
472 exists that the respondent is guilty of conduct under section 51-51i. The
473 council shall post such notices and agendas on its Internet web site and
474 provide such notices and agendas to the cochairpersons of the joint
475 standing committee of the General Assembly having cognizance of
476 matters relating to the judiciary.

477 (h) In any proceeding before the council concerning a judge or
478 family support magistrate, the council shall not consider any ethics
479 advisory opinion issued by the Judicial Branch or any committee
480 thereof or inquire as to whether the judge or family support magistrate
481 sought or received any ethics advisory opinion.

482 [(g)] (i) The Judicial Review Council shall submit to the Governor,
483 the Judicial Department, the joint standing committee of the General
484 Assembly having cognizance of matters relating to the Judicial Review
485 Council, and the judges of the Superior Court annually on or before
486 September first, a report of its activities for the previous fiscal year,
487 including the number of complaints received and the number of each
488 type of complaint disposition, including the number of dismissals, the
489 number of admonishments and the number of cases in which probable
490 cause was found.

491 [(h)] (j) The Commissioner of Public Works shall provide the
492 Judicial Review Council office space for the conduct of duties of the
493 council.

494 [(i)] (k) The Judicial Review Council shall adopt regulations, in
495 accordance with the provisions of chapter 54, to establish rules and
496 procedures for the council in the discharge of its duties under this
497 chapter and to provide standards for the identification of and
498 procedures for the treatment of conflicts of interest for council
499 members, which standards shall require that any professional or
500 ethical codes of conduct shall apply to any professional member of the
501 council subject to such codes of conduct.

502 Sec. 6. Section 51-51l of the general statutes is repealed and the
503 following is substituted in lieu thereof (*Effective October 1, 2008*):

504 (a) Except as provided in subsection (d) of this section, the Judicial
505 Review Council shall investigate every written complaint brought
506 before it alleging conduct under section 51-51i, and may initiate an
507 investigation of any judge, compensation commissioner or family
508 support magistrate if (1) the council has reason to believe conduct

509 under section 51-51i has occurred or (2) previous complaints indicate a
510 pattern of behavior which would lead to a reasonable belief that
511 conduct under section 51-51i has occurred. The council shall, not later
512 than five days after such initiation of an investigation or receipt of such
513 complaint, notify by registered or certified mail any judge,
514 compensation commissioner or family support magistrate under
515 investigation or against whom such complaint is filed. A copy of any
516 such complaint shall accompany such notice. The council shall also
517 notify the complainant of its receipt of such complaint not later than
518 five days thereafter. Any investigation to determine whether or not
519 there is probable cause that conduct under section 51-51i has occurred
520 shall be confidential and any individual called by the council for the
521 purpose of providing information shall not disclose [his] such
522 individual's knowledge of such investigation to a third party prior to
523 the decision of the council on whether probable cause exists, unless the
524 respondent requests that such investigation and disclosure be open,
525 [provided] except that (A) information known or obtained
526 independently of any such investigation shall not be confidential, and
527 (B) the council may, upon request and after providing the judge,
528 compensation commissioner or family support magistrate who is the
529 subject of the investigation an opportunity to be heard, disclose that an
530 investigation is being conducted if the council determines that (i) the
531 essential facts underlying the investigation have been widely made
532 public, and (ii) preserving public confidence in the administration of
533 justice outweighs the privacy interest of the judge, compensation
534 commissioner or family support magistrate who is the subject of the
535 investigation. The judge, compensation commissioner or family
536 support magistrate shall have the right to appear and be heard and to
537 offer any information which may tend to clear [him] such judge,
538 compensation commissioner or family support magistrate of probable
539 cause to believe he or she is guilty of conduct under section 51-51i. The
540 judge, compensation commissioner or family support magistrate shall
541 also have the right to be represented by legal counsel and examine and
542 cross-examine witnesses. In conducting its investigation under this
543 subsection, the council may request that a court furnish to the council a

544 record or transcript of court proceedings made or prepared by a court
545 reporter, assistant court reporter or monitor and the court shall, upon
546 such request, furnish such record or transcript.

547 (b) The Judicial Review Council shall, not later than three business
548 days after the termination of such investigation, notify the
549 complainant, if any, and the judge, compensation commissioner or
550 family support magistrate that the investigation has been terminated
551 and the results thereof. If the council finds that conduct under section
552 51-51i has not occurred, but the judge, compensation commissioner or
553 family support magistrate has acted in a manner which gives the
554 appearance of impropriety or constitutes an unfavorable judicial or
555 magisterial practice, the council may issue an admonishment to the
556 judge, compensation commissioner or family support magistrate
557 recommending a change in judicial or magisterial conduct or practice.
558 If an admonishment is issued, the council shall (1) notify the joint
559 standing committee of the General Assembly having cognizance of
560 matters relating to the judiciary that an admonishment was issued and
561 provide said committee with the substance of the admonishment,
562 including copies of the complaint file, and (2) inform the complainant,
563 if any, that an admonishment was issued if the admonishment is the
564 result of misconduct alleged in the complaint. Except as provided in
565 subdivision (1) of this subsection, the substance of the admonishment
566 shall not be disclosed to any person or organization.

567 (c) If a preliminary investigation indicates that probable cause exists
568 that the judge, compensation commissioner or family support
569 magistrate is guilty of conduct under section 51-51i, the council shall
570 hold a hearing concerning the conduct or complaint. All hearings held
571 pursuant to this subsection shall be open. A judge, compensation
572 commissioner or family support magistrate appearing before such a
573 hearing shall be entitled to counsel, to present evidence and to cross-
574 examine witnesses. The council shall make a record of all proceedings
575 pursuant to this subsection. After all evidence and arguments have
576 been presented at such hearing, the council shall determine whether
577 the judge, compensation commissioner or family support magistrate is

578 guilty of conduct under section 51-51i. The council shall not later than
579 thirty days after the close of such hearing publish its findings together
580 with a memorandum of its reasons therefor. ~~The entire record of the~~
581 ~~proceedings pursuant to this subsection including any complaint,~~
582 ~~transcripts and statements and other documents introduced into~~
583 ~~evidence during such proceedings shall be open for public inspection,~~
584 ~~except that any information that would be exempt from disclosure~~
585 ~~under subsection (b) of section 1-210 of the 2008 supplement to the~~
586 ~~general statutes shall be removed or redacted.~~

587 (d) No complaint against a judge, compensation commissioner or
588 family support magistrate alleging conduct under section 51-51i shall
589 be brought under this section but within one year from the date the
590 alleged conduct occurred or was discovered or in the exercise of
591 reasonable care should have been discovered, except that no such
592 complaint may be brought more than three years from the date the
593 alleged conduct occurred.

594 (e) Notwithstanding the provisions of subsections (a) and (b) of this
595 section, the council shall disclose any information concerning
596 complaints received by the council on and after January 1, 1978,
597 investigations, and disposition of such complaints to the legislative
598 program review and investigations committee when requested by the
599 committee in the course of its functions, in writing and upon a
600 majority vote of the committee, provided no names or other
601 identifying information shall be disclosed.

602 (f) On and after December 19, 1991, any judge, compensation
603 commissioner or family support magistrate who has been the subject
604 of an investigation by the Judicial Review Council as a result of a
605 complaint brought before [such] the council may request that such
606 complaint, investigation and the disposition of such complaint be open
607 to public inspection.

608 (g) Whenever a complaint against a judge, compensation
609 commissioner or family support magistrate is pending before the

610 Judicial Review Council within the final year of the term of office of
611 such judge, compensation commissioner or family support magistrate,
612 the Judicial Review Council shall designate such complaint as
613 privileged and shall conduct an expedited investigation and hearing so
614 that its duties with respect to such complaint are completed in
615 sufficient time to enable the Judicial Review Council to [make its
616 recommendation concerning any such judge to the Judicial Selection
617 Commission and] submit its report concerning such complaint to the
618 Governor, the Judicial Selection Commission and the joint standing
619 committee of the General Assembly having cognizance of matters
620 relating to the judiciary, as required under section 51-51q, as amended
621 by this act, in a timely manner.

622 Sec. 7. Subsection (a) of section 51-51m of the general statutes is
623 repealed and the following is substituted in lieu thereof (*Effective*
624 *October 1, 2008*):

625 (a) The Judicial Review Council may take any action upon a
626 majority vote of its members present and voting, except that twelve
627 members of the Judicial Review Council shall constitute a quorum for
628 any action to publicly censure a judge, compensation commissioner or
629 family support magistrate, suspend a judge, compensation
630 commissioner or family support magistrate for any period, refer the
631 matter to the Supreme Court with a recommendation that a judge or
632 family support magistrate be suspended for a period longer than one
633 year, [or] refer the matter to the Supreme Court with a
634 recommendation that a judge or family support magistrate be removed
635 from office or to the Governor with a recommendation that a
636 compensation commissioner be removed from office or impose a civil
637 penalty on a judge, compensation commissioner or family support
638 magistrate and the concurring vote of seven of such members shall be
639 required.

640 Sec. 8. Subsection (a) of section 51-51n of the general statutes is
641 repealed and the following is substituted in lieu thereof (*Effective*
642 *October 1, 2008*):

643 (a) The Judicial Review Council may, after a hearing pursuant to
644 subsection (c) of section 51-51l, as amended by this act, (1) publicly
645 censure the judge, compensation commissioner or family support
646 magistrate, (2) suspend the judge, compensation commissioner or
647 family support magistrate for a definite term not to exceed one year,
648 (3) refer the matter to the Supreme Court with a recommendation that
649 the judge or family support magistrate be suspended for a period
650 longer than one year, (4) refer the matter to the Supreme Court with a
651 recommendation that the judge or family support magistrate be
652 removed from office or to the Governor with a recommendation that
653 the compensation commissioner be removed from office, or (5)
654 exonerate the judge, compensation commissioner or family support
655 magistrate of all charges. In lieu of imposing a suspension under
656 subdivision (2) of this subsection, the council may impose a civil
657 penalty of not more than ten thousand dollars per violation.

658 Sec. 9. Section 51-51q of the general statutes is repealed and the
659 following is substituted in lieu thereof (*Effective October 1, 2008*):

660 (a) (1) [The] Whenever a judge is nominated for reappointment to
661 the same court or appointment to a different court, the Judicial Review
662 Council shall submit [its recommendations concerning the nomination
663 for appointment to a different court of any judge or nomination for
664 reappointment of any judge whose term of office is about to expire,
665 including] a report of any complaint filed against [any] such judge and
666 the disposition of any such complaint, [and] including any
667 investigation of any such judge by the council, to the Governor, to the
668 Judicial Selection Commission and to the joint standing committee of
669 the General Assembly having cognizance of matters relating to the
670 judiciary, provided the Judicial Selection Commission shall not
671 consider any investigation of the Judicial Review Council which
672 resulted in the exoneration of a judge.

673 (2) In addition to the information required to be submitted under
674 subdivision (1) of this subsection, the Judicial Review Council shall
675 make all complaint files concerning any such judge available to the

676 joint standing committee of the General Assembly having cognizance
677 of matters relating to the judiciary. Notwithstanding any provision of
678 the general statutes, if the disposition of a complaint filed against any
679 such judge involved the issuance of an admonishment to [or] such
680 judge, the public censure or suspension of such judge or the imposition
681 of a civil penalty against such judge, (A) no information pertaining to
682 the complaint and the investigation and disposition of such complaint
683 may be removed, redacted or otherwise withheld by the Judicial
684 Review Council prior to making such complaint files available to said
685 committee as required by this subdivision, and (B) the Judicial Review
686 Council shall provide to said committee any information, including,
687 but not limited to, any confidential information, in its possession
688 concerning such judge that may be requested in writing by the
689 cochairpersons of said committee. Such information shall be provided
690 to said committee not later than three business days following the date
691 the request is received by the Judicial Review Council. Any
692 confidential information provided to said committee as required by
693 this subdivision shall not be further disclosed to any person or
694 organization.

695 [(3) If the Judicial Review Council has reason to believe any such
696 judge is guilty of conduct under section 51-51i, material neglect of duty
697 or incompetence in the conduct of his office, it may refuse to
698 recommend such judge for nomination for appointment to a different
699 court or for reappointment. The Judicial Review Council shall not
700 recommend a judge for nomination for appointment to a different
701 court or for reappointment if the council finds such judge has wilfully
702 violated section 51-39a or has been convicted of a felony or of a
703 misdemeanor involving moral turpitude.]

704 (b) The Judicial Review Council shall submit [its recommendations
705 concerning the reappointment of any family support magistrate whose
706 term of office is about to expire, including] a report of any complaint
707 filed against any family support magistrate whose term of office is
708 about to expire and the disposition of any such complaint, including
709 any investigation of any such magistrate by the council, to the

710 Governor.

711 (c) The Judicial Review Council shall submit [its recommendations
712 concerning the nomination for reappointment of any compensation
713 commissioner whose term of office is about to expire, including] a
714 report of any complaint filed against any compensation commissioner
715 whose term of office is about to expire and the disposition of such
716 complaint, including any investigation of such compensation
717 commissioner by the council, to the Governor and to the joint standing
718 committee of the General Assembly having cognizance of matters
719 relating to the judiciary. The Judicial Review Council shall provide
720 information to said committee concerning [any complaint filed against
721 such compensation commissioner and the investigation and
722 disposition of such complaint,] such complaint, disposition and
723 investigation including, but not limited to, confidential information, in
724 the same manner and subject to the same requirements as information
725 provided under subdivisions (1) and (2) of subsection (a) of this
726 section.

727 (d) If a complaint against any such judge, compensation
728 commissioner or family support magistrate is received by the Judicial
729 Review Council and the Judicial Review Council is unable to make its
730 findings and complete its duties with respect to such judge,
731 compensation commissioner or family support magistrate prior to the
732 expiration of the term of office of such judge, compensation
733 commissioner or family support magistrate, the Judicial Review
734 Council [shall not refuse to recommend such judge, compensation
735 commissioner or family support magistrate for reappointment based
736 on such complaint, but] shall report the fact of such complaint to the
737 Governor and to the joint standing committee of the General Assembly
738 having cognizance of matters relating to the judiciary.

739 Sec. 10. Section 51-51r of the general statutes is repealed and the
740 following is substituted in lieu thereof (*Effective October 1, 2008*):

741 Any judge or family support magistrate aggrieved by any decision

742 of the Judicial Review Council may appeal the decision to the Supreme
743 Court in accordance with such procedure for the appeal as the
744 Supreme Court shall adopt by rule. In reviewing the factual findings of
745 the council, the Supreme Court shall ascertain whether there was
746 substantial evidence to support those findings and in reviewing the
747 legal conclusions of the council, the Supreme Court shall conduct a de
748 novo review.

749 Sec. 11. Section 51-1b of the general statutes is repealed and the
750 following is substituted in lieu thereof (*Effective July 1, 2008*):

751 (a) The Chief Justice of the Supreme Court shall be the head of the
752 Judicial Department and shall be responsible for its administration.

753 (b) The Chief Justice shall appoint a Chief Court Administrator who
754 shall serve at the pleasure of the appointing Chief Justice but not
755 beyond the date the appointing Chief Justice ceases to hold said office,
756 except that the Chief Court Administrator may continue to serve until
757 a successor is appointed. If the Chief Court Administrator is a judge of
758 the Superior Court, Appellate Court or Supreme Court, cessation of his
759 or her service as Chief Court Administrator shall not affect his or her
760 term as judge of the Superior Court, Appellate Court or Supreme
761 Court.

762 Sec. 12. Section 45a-74 of the general statutes is repealed and the
763 following is substituted in lieu thereof (*Effective July 1, 2008*):

764 (a) [There shall be a Probate Court Administrator who shall be
765 appointed from among the judges of the several courts of probate by
766 the Chief Justice of the Supreme Court to serve at his pleasure.] The
767 Chief Justice of the Supreme Court shall appoint a Probate Court
768 Administrator who shall serve at the pleasure of the appointing Chief
769 Justice but not beyond the date the appointing Chief Justice ceases to
770 hold said office, except that the Probate Court Administrator may
771 continue to serve until a successor is appointed. The Probate Court
772 Administrator shall be a judge of probate, former judge of probate or
773 an attorney having at least eight years experience in probate law. If the

774 Probate Court Administrator is unable by reason of sickness, absence
775 or other disability to perform the duties of [his] the office, or if there is
776 a vacancy in the office of Probate Court Administrator, the Chief
777 Justice shall designate [another] a judge of [a court of] probate to act
778 [in his stead until he] as Probate Court Administrator until the
779 appointed Probate Court Administrator resumes his or her duties or
780 until a new Probate Court Administrator is appointed.

781 (b) The Probate Court Administrator shall devote full time to the
782 duties of [his] the office except that he or she may serve as a judge of
783 probate but shall not engage in the private practice of law. [Any
784 Probate Court Administrator who ceases to serve as a judge of probate
785 may continue to serve as Probate Court Administrator at the pleasure
786 of the Chief Justice.] If the Probate Court Administrator is a judge of
787 probate, cessation of his or her service as Probate Court Administrator
788 shall not affect his or her term as judge of probate.

789 Sec. 13. Subdivision (1) of section 1-200 of the general statutes is
790 repealed and the following is substituted in lieu thereof (*Effective July*
791 *1, 2008*):

792 (1) "Public agency" or "agency" means:

793 (A) Any executive, administrative or legislative office of the state or
794 any political subdivision of the state and any state or town agency, any
795 department, institution, bureau, board, commission, authority or
796 official of the state or of any city, town, borough, municipal
797 corporation, school district, regional district or other district or other
798 political subdivision of the state, including any committee of, or
799 created by, any such office, subdivision, agency, department,
800 institution, bureau, board, commission, authority or official, and also
801 includes any judicial office, official, or body or committee thereof but
802 only with respect to its or their administrative functions. With respect
803 to such judicial office, official, or body or committee thereof,
804 "administrative functions" means those matters that relate to the
805 management of the internal institutional operations of the judicial

806 branch including, but not limited to, budgeting, accounting, personnel,
807 facilities, physical operations, contracting, docketing and scheduling;

808 (B) Any person to the extent such person is deemed to be the
809 functional equivalent of a public agency pursuant to law; or

810 (C) Any "implementing agency", as defined in section 32-222.

811 Sec. 14. (NEW) (*Effective July 1, 2008*) (a) Whenever the Office of the
812 Chief Court Administrator receives a written complaint concerning the
813 conduct of a judge, the Chief Court Administrator shall, in addition to
814 any administrative reasons for reviewing such complaint, review such
815 complaint to determine if there is reason to believe that the allegations
816 warrant further investigation by the Judicial Review Council. If the
817 Chief Court Administrator determines that such further investigation
818 is warranted, he or she shall refer such complaint to the Judicial
819 Review Council for investigation and action in accordance with
820 chapter 872a of the general statutes.

821 (b) If the Chief Court Administrator, in consultation with the Chief
822 Justice, determines that the complaint is (1) without merit, (2) properly
823 the subject of review through an existing adjudicatory procedure, or
824 (3) otherwise not within the purview of the Office of the Chief Court
825 Administrator, such complaint shall not be open to the public.

826 (c) If the Chief Court Administrator, in consultation with the Chief
827 Justice, determines that the complaint warrants administrative action,
828 but does not rise to the level that is appropriate for referral to the
829 Judicial Review Council, the Chief Court Administrator may issue an
830 admonishment in accordance with section 51-45a of the general
831 statutes.

832 Sec. 15. (NEW) (*Effective July 1, 2008*) The judicial branch shall make
833 the criminal docket of the Superior Court, including the docket
834 number, name of the defendant, year of birth of the defendant and
835 charge, available to the public on its Internet web site.

836 Sec. 16. (NEW) (*Effective October 1, 2008*) The judicial branch shall
837 make conviction information, as defined in section 54-142g of the
838 general statutes, available to the public on its Internet web site. Such
839 information shall include the docket number of the case, name of the
840 defendant, year of birth of the defendant, date of arrest, charges and
841 disposition including any fine, term of imprisonment and term of
842 probation imposed by the court, but shall not include the address or
843 motor vehicle operator license number of the defendant. Such
844 information shall be searchable by name of defendant, year of birth of
845 defendant and docket number. Conviction information with respect to
846 misdemeanors shall not be available to the public on the judicial
847 branch or other public agency web site after five years from the date of
848 the conviction.

849 Sec. 17. (NEW) (*Effective July 1, 2008*) The Judicial Branch shall
850 include a link on the home page of its Internet web site to the Internet
851 web site of the Judicial Review Council and to the Internet web site of
852 the Judicial Selection Commission.

853 Sec. 18. (NEW) (*Effective July 1, 2008*) Any police report used during
854 a court hearing as the basis for a judicial determination of probable
855 cause, whether or not probable cause has been found, shall be made
856 part of the court file and be open to the public unless the court, on
857 motion of any party or on its own motion, orders, for good cause
858 shown, all or a portion of the report to be sealed for a period of seven
859 days. If such motion is granted, the moving party may make a
860 recommendation not later than seven days after such order as to the
861 details of the sealing order, including the duration thereof. If no such
862 recommendation is made, the report shall be made public after said
863 seven-day period.

864 Sec. 19. Subsection (c) of section 19a-343a of the general statutes is
865 repealed and the following is substituted in lieu thereof (*Effective July*
866 *1, 2008*):

867 (c) If in the application, the state requests the issuance of a

868 temporary ex parte order for the abatement of a public nuisance, the
869 court [.] or, if the court is not in session, any judge of the Superior
870 Court, may grant a temporary ex parte order to abate the public
871 nuisance. The court or judge shall direct the state to give notice and
872 service of such documents, including a copy of the ex parte order, in
873 accordance with subsection (b) of this section. At such hearing, any
874 defendant may show cause why the abatement order shall be modified
875 or vacated. No such ex parte order may be granted unless it appears
876 from the specific facts shown by affidavit and by complaint that there
877 is probable cause to believe that a public nuisance exists and the
878 temporary relief requested is necessary to protect the public health,
879 welfare or safety. Such show cause hearing shall be scheduled within
880 five business days after service is effected by the state. [The affidavit
881 may be ordered sealed by the court or judge upon a finding that the
882 state's interest in nondisclosure substantially outweighs the
883 defendant's right to disclosure.] A copy of the state's application and
884 the temporary order to cease and desist shall be posted on any outside
885 door to any building on the real property.

886 Sec. 20. Section 51-164x of the general statutes is repealed and the
887 following is substituted in lieu thereof (*Effective July 1, 2008*):

888 (a) Any person affected by a court order which prohibits any person
889 from attending any session of court, except any session of court
890 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h, [or
891 any other provision of the general statutes under which the court is
892 authorized to close proceedings, whether at a pretrial or trial stage,]
893 shall have the right to the review of such order by the filing of a
894 petition for review with the Appellate Court [within seventy-two
895 hours from] not later than three business days after the issuance of
896 such court order.

897 (b) No order subject to review pursuant to subsection (a) of this
898 section shall be effective until [seventy-two hours] the fourth business
899 day after it has been issued, and the timely filing of any petition for
900 review shall stay the order.

901 (c) Any person affected by a court order that seals or limits the
902 disclosure of any files, affidavits, documents or other material on file
903 with the court or filed in connection with a court proceeding, except (1)
904 any order issued pursuant to section 46b-11 or 54-33c, [or any other
905 provision of the general statutes under which the court is authorized to
906 seal or limit the disclosure of files, affidavits, documents or materials,
907 whether at a pretrial or trial stage] as amended by this act, and (2) any
908 order issued pursuant to a court rule that seals or limits the disclosure
909 of any affidavit in support of an arrest warrant, shall have the right to
910 the review of such order by the filing of a petition for review with the
911 Appellate Court [within seventy-two hours from] not later than three
912 business days after the issuance of such court order.

913 (d) The Appellate Court shall provide an expedited hearing on such
914 petitions filed pursuant to subsections (a) and (c) of this section in
915 accordance with such rules as the judges of the Appellate Court may
916 adopt, consistent with the rights of the petitioner and the parties to the
917 case.

918 Sec. 21. Subsection (a) of section 53a-39a of the general statutes is
919 repealed and the following is substituted in lieu thereof (*Effective*
920 *October 1, 2008*):

921 (a) In all cases where a defendant has been convicted of a
922 misdemeanor or a felony, other than a capital felony, a class A felony
923 or a violation of section 21a-278 of the 2008 supplement to the general
924 statutes, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
925 any other offense for which there is a mandatory minimum sentence
926 which may not be suspended or reduced by the court, after trial or by a
927 plea of guilty without trial, and a term of imprisonment is part of a
928 stated plea agreement or the statutory penalty provides for a term of
929 imprisonment, the court may, in its discretion, order an assessment for
930 placement in an alternate incarceration program under contract with
931 the Judicial Department. If the Court Support Services Division
932 recommends placement in an alternate incarceration program, it shall
933 also submit to the court a proposed alternate incarceration plan. Upon

934 completion of the assessment, the court shall determine whether such
935 defendant shall be ordered to participate in such program as an
936 alternative to incarceration. If the court determines that the defendant
937 shall participate in such program, the court shall suspend any sentence
938 of imprisonment and shall make participation in the alternate
939 incarceration program a condition of probation as provided in section
940 53a-30. If the court orders the defendant to participate in an alternate
941 incarceration program pursuant to such alternate incarceration plan,
942 such plan, or that portion of such plan ordered by the court, shall be a
943 matter of public record.

944 Sec. 22. Section 54-33c of the general statutes is repealed and the
945 following is substituted in lieu thereof (*Effective October 1, 2008*):

946 (a) The applicant for the search warrant shall file the application for
947 the warrant and all affidavits upon which the warrant is based with
948 the clerk of the court for the geographical area within which any
949 person who may be arrested in connection with or subsequent to the
950 execution of the search warrant would be presented with the return of
951 the warrant. The warrant shall be executed within ten days and
952 returned with reasonable promptness consistent with due process of
953 law and shall be accompanied by a written inventory of all property
954 seized. A copy of such warrant shall be given to the owner or occupant
955 of the dwelling, structure, motor vehicle or place designated therein, or
956 the person named therein. Within forty-eight hours of such search, a
957 copy of the application for the warrant and a copy of all affidavits
958 upon which the warrant is based shall be given to such owner,
959 occupant or person. The judge or judge trial referee may, by order,
960 dispense with the requirement of giving a copy of the affidavits to
961 such owner, occupant or person at such time if the applicant for the
962 warrant files a detailed affidavit with the judge or judge trial referee
963 which demonstrates to the judge or judge trial referee that (1) the
964 personal safety of a confidential informant would be jeopardized by
965 the giving of a copy of the affidavits at such time, [or] (2) the search is
966 part of a continuing investigation [which] that would be adversely
967 affected by the giving of a copy of the affidavits at such time, or (3) the

968 giving of such affidavits at such time would require disclosure of
969 information or material prohibited from being disclosed by chapter
970 959a. If the judge or judge trial referee dispenses with the requirement
971 of giving a copy of the affidavits at such time, such order shall not
972 affect the right of such owner, occupant or person to obtain such copy
973 at any subsequent time. No such order shall limit the disclosure of
974 such affidavits to the attorney for a person arrested in connection with
975 or subsequent to the execution of a search warrant unless, upon
976 motion of the prosecuting authority within two weeks of such person's
977 arraignment, the court finds that the state's interest in continuing
978 nondisclosure substantially outweighs the defendant's right to
979 disclosure.

980 (b) Any order dispensing with the requirement of giving a copy of
981 the warrant application and accompanying affidavits to such owner,
982 occupant or person within forty-eight hours shall be for a specific
983 period of time, not to exceed two weeks beyond the date the warrant is
984 executed. Within that time period the prosecuting authority may seek
985 an extension of such period. Upon the execution and return of the
986 warrant, affidavits which have been the subject of such an order shall
987 remain in the custody of the clerk's office in a secure location apart
988 from the remainder of the court file.

989 (c) Any request by the prosecuting authority, made subsequent to
990 an arrest, to extend an order sealing an affidavit in support of a search
991 warrant as to such owner, occupant or person shall be a matter of
992 public record. An extension of the order shall be granted if the court
993 finds that the order is necessary to preserve an interest that is
994 determined to override the public's interest in viewing the affidavit, or
995 for good cause shown. An oral representation by the prosecuting
996 authority that (1) the personal safety of a confidential informant would
997 be jeopardized, (2) the search is part of a continuing investigation that
998 would be adversely affected, or (3) the unsealing of the affidavit would
999 require disclosure of information or material prohibited from being
1000 disclosed by chapter 959a may be sufficient to establish good cause.
1001 Any such extension shall be to a date certain, not to exceed ninety days

1002 from the date of the request. The prosecuting authority may seek more
1003 than one such extension, but no single extension shall exceed ninety
1004 days.

1005 Sec. 23. Subsection (d) of section 54-56d of the 2008 supplement to
1006 the general statutes is repealed and the following is substituted in lieu
1007 thereof (*Effective October 1, 2008*):

1008 (d) If the court finds that the request for an examination is justified
1009 and that, in accordance with procedures established by the judges of
1010 the Superior Court, there is probable cause to believe that the
1011 defendant has committed the crime for which the defendant is
1012 charged, the court shall order an examination of the defendant as to his
1013 or her competency. The court may (1) appoint one or more physicians
1014 specializing in psychiatry to examine the defendant, or (2) order the
1015 Commissioner of Mental Health and Addiction Services to conduct the
1016 examination either (A) by a clinical team consisting of a physician
1017 specializing in psychiatry, a clinical psychologist and one of the
1018 following: A clinical social worker licensed pursuant to chapter 383b or
1019 a psychiatric nurse clinical specialist holding a master's degree in
1020 nursing, or (B) by one or more physicians specializing in psychiatry,
1021 except that no employee of the Department of Mental Health and
1022 Addiction Services who has served as a member of a clinical team in
1023 the course of such employment for at least five years prior to October
1024 1, 1995, shall be precluded from being appointed as a member of a
1025 clinical team. If the Commissioner of Mental Health and Addiction
1026 Services is ordered to conduct the examination, the commissioner shall
1027 select the members of the clinical team or the physician or physicians.
1028 If the examiners determine that the defendant is not competent, the
1029 examiners shall then determine whether there is a substantial
1030 probability that the defendant, if provided with a course of treatment,
1031 will regain competency within the maximum period of any placement
1032 order under this section. If the examiners determine that there is a
1033 substantial probability that the defendant, if provided with a course of
1034 treatment, will regain competency within the maximum period of any
1035 placement order under this section, the examiners shall then determine

1036 whether the defendant appears to be eligible for civil commitment,
1037 with monitoring by the Court Support Services Division, pursuant to
1038 subdivision (2) of subsection (h) of this section. If the examiners
1039 determine that there is not a substantial probability that the defendant,
1040 if provided with a course of treatment, will regain competency within
1041 the maximum period of any placement order under this section, the
1042 examiners shall then determine whether the defendant appears to be
1043 eligible for civil commitment to a hospital for psychiatric disabilities
1044 pursuant to subsection (m) of this section and make a recommendation
1045 to the court regarding the appropriateness of such civil commitment.
1046 The court may authorize a physician specializing in psychiatry, a
1047 clinical psychologist, a clinical social worker licensed pursuant to
1048 chapter 383b or a psychiatric nurse clinical specialist holding a master's
1049 degree in nursing selected by the defendant to observe the
1050 examination. Counsel for the defendant may observe the examination.
1051 The examination shall be completed within fifteen days from the date
1052 it was ordered and the examiners shall prepare and sign, without
1053 notarization, a written report and file such report with the court within
1054 twenty-one business days of the date of the order. On receipt of the
1055 written report, the clerk of the court shall cause copies to be delivered
1056 immediately to the state's attorney and to counsel for the defendant.
1057 The written report shall be sealed, but only as to the public, and the
1058 contents of the report shall not be disclosed, except during any
1059 evidentiary hearing as to the competency of the defendant at which
1060 such contents are relied upon by a participant as the basis for
1061 testimony, questioning of witnesses, arguments to the court or judicial
1062 findings or as otherwise authorized under section 52-146f.

1063 Sec. 24. Subsection (f) of section 54-56d of the 2008 supplement to
1064 the general statutes is repealed and the following is substituted in lieu
1065 thereof (*Effective October 1, 2008*):

1066 (f) If the court, after the evidentiary hearing, finds that the
1067 defendant is competent, the court shall continue with the criminal
1068 proceedings. If the court finds that the defendant is not competent, the
1069 court shall also find whether there is a substantial probability that the

1070 defendant, if provided with a course of treatment, will regain
 1071 competency within the maximum period of any placement order
 1072 permitted under this section. The court shall state on the record the
 1073 reasons for the court's finding that the defendant is competent or not
 1074 competent."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	51-14
Sec. 2	<i>October 1, 2008</i>	51-44a
Sec. 3	<i>October 1, 2008</i>	51-50l(a)
Sec. 4	<i>October 1, 2008</i>	52-434(a)
Sec. 5	<i>October 1, 2008</i>	51-51k
Sec. 6	<i>October 1, 2008</i>	51-51l
Sec. 7	<i>October 1, 2008</i>	51-51m(a)
Sec. 8	<i>October 1, 2008</i>	51-51n(a)
Sec. 9	<i>October 1, 2008</i>	51-51q
Sec. 10	<i>October 1, 2008</i>	51-51r
Sec. 11	<i>July 1, 2008</i>	51-1b
Sec. 12	<i>July 1, 2008</i>	45a-74
Sec. 13	<i>July 1, 2008</i>	1-200(1)
Sec. 14	<i>July 1, 2008</i>	New section
Sec. 15	<i>July 1, 2008</i>	New section
Sec. 16	<i>October 1, 2008</i>	New section
Sec. 17	<i>July 1, 2008</i>	New section
Sec. 18	<i>July 1, 2008</i>	New section
Sec. 19	<i>July 1, 2008</i>	19a-343a(c)
Sec. 20	<i>July 1, 2008</i>	51-164x
Sec. 21	<i>October 1, 2008</i>	53a-39a(a)
Sec. 22	<i>October 1, 2008</i>	54-33c
Sec. 23	<i>October 1, 2008</i>	54-56d(d)
Sec. 24	<i>October 1, 2008</i>	54-56d(f)